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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/743,466 | 06/12/2001 | Thomas Holderbaum | H 3517 PCT/U | 2843 |

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HENKEL CORPORATION
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EXAMINER

DOUYON, LORNA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1751

DATE MAILED: 12/20/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/743,466 | HOLDERBAUM ET AL. | |
| | Examiner | Art Unit | |
| | Lorna M. Douyon | 1751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 October 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) 23 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

Art Unit:

1. This action is responsive to the amendment filed on October 7, 2002.
2. The objection to claim 1 is withdrawn in view of applicants' amendment.
3. Claim 12 is objected to because of the following informalities: The coating materials in claim 1, to which this claim depend upon, were amended to include natural or chemically modified wax, hence, the recited coating materials of claim 12 do not belong to said wax. It is suggested that "additionally" be added after "coating material" in line 2. Appropriate correction is required.
4. The rejection of claims 1-3, 10, 12, 14, 18 and 21 under 35 U.S.C. 102(e) as being anticipated by Addison (US Patent No. 6,274,538) is withdrawn in view of applicants' amendment.
5. The rejection of claims 1-3, 10, 12, 14, 18, 21 and 22 under 35 U.S.C. 102(e) as anticipated by Painter (US Patent No. 6,303,561) is withdrawn in view of applicants' amendment.
6. The rejection of claims 1-3, 10, 12, 14, 18, 21 and 22 are rejected under 35 U.S.C. 102(e) as anticipated by Metzger-Groom (US Patent No. 6,358,911) is withdrawn in view of applicants' amendment.

Art Unit:

7. The rejection of claims 7-9, 11, 13, 15-17, 19-20 and 23 under 35 U.S.C. 103(a) as being unpatentable over Addison is withdrawn in view of applicants' amendment.

8. The rejection of claims 7-9, 11, 13, 15-17, 19-20 and 23 under 35 U.S.C. 103(a) as being unpatentable over Painter is withdrawn in view of applicants' amendment.

9. The rejection of claims 4-6 under 35 U.S.C. 103(a) as being unpatentable over Addison, Painter or Metzger-Groom as applied to the above claims, and further in view of Capeci et al. (US Patent No. 5,516,448), hereinafter "Capeci" is withdrawn in view of applicants' amendment.

10. Claim 23 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims for the reasons set forth in the office action in paper number 7.

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 1-3, 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speed et al. (US Patent No. 6,399,564), hereinafter "Speed".

Art Unit:

Speed teaches a detergent tablet comprising a compressed portion and a non-compressed portion wherein said compressed portion comprises a mould; said non-compressed portion is in solid, gel or liquid form; said non-compressed portion is delivered onto said mould of said compressed portion and affixed to said compressed portion by hardening (see claim 1). The non-compressed portion comprises a finishing additive such as enzymes, oxygen releasing bleaching agent, precursor or catalyst and nonionic surfactant (see col. 11, lines 20-30; Examples). The non-compressed portion also includes liquid diluent such as low molecular weight polyethylene glycol (see col. 6, lines 31-61), or gelling agents such as polyethylene glycol (see col. 7, lines 59-62). The compressed portion comprises 1-80% by weight builders (see col. 37. Lines 6-29) and from 0.2 to 30% by weight surfactant such as nonionic surfactant (see col. 40, lines 9-22). Speed also teaches that the non-compressed portion is such that it comprises at least one component which react with an outside stimulus, such as temperature or pH, to initiate dissolution, for example a wax having a melting temperature above room temperature, preferably above 40°C, most preferably above 50°C (see col. 10, lines 54-61). Speed, however, fails to specifically disclose the noncompressed portion containing wax having a melting point above 40°C.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a wax having a melting point above 40°C to the noncompressed portion because Speed teaches that the noncompressed portion can include a component which react with an outside stimulus such as wax.

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13. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speed as applied to the above claims, and further in view of Capeci.

Speed teaches the features as described above. Speed, however, fails to disclose the detergent composition to be tableted having a bulk density above 600 g/l and particle size distribution as those recited.

Capeci teaches similar detergent compositions prepared by agglomeration having a bulk density of at least 650 g/l (see col. 7, lines 1-4) and a more uniform particle size distribution (see col. 3, lines 5-10) wherein the median particle size of the agglomerate is from 300 microns to about 900 microns (see claim 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the bulk density and particle size distribution of the detergent composition of Speed to be within those recited because detergent compositions prepared by agglomeration would have these characteristics as shown by Capeci.

14. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speed in view of Addison.

Speed teaches the features as described above. Speed, however, fails to disclose separate compressed layers wherein one comprises bleaching agents and the other comprises enzymes or bleach activators.

Art Unit:

Addison teaches a similar tablet wherein additional layers may be formed by compression and that the tablet comprises at least one compressed layer (see col. 1, line 66 to col. 2, line 2; col. 3, lines 35-38). Addison also teaches that the tablet prepared by compression comprises surfactants, enzymes, bleaching agents and bleach precursors like TAED (see col. 10, lines 7-17; col. 25, line 54+; col. 30, lines 12-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare the compressed layer of Speed having two compressed layers and to separate ingredients which would interact with each other because it is known for a similar tablet to have at least one compressed layer wherein ingredients which would interact with each other are separated (see for example, Example 4) as shown by Addison.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

December 16, 2002

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
Art Unit 1751